

**2013 DRAFTING REQUEST**

**Bill**

Received: **10/31/2012** Received By: **gmalaise**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 6-2843** By/Representing: **Boggs**  
May Contact: Drafter: **gmalaise**  
Subject: **Higher Education - miscellaneous** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to:

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**Pre Topic:**

DOA:.....Boggs, BB0217 -

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**Topic:**

Transfer of EAB to DSPS

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**Instructions:**

See attached--transfer Educational Approval Board from Technical College System to Department of Safety and professional Services

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 11/1/2012	scalvin 11/2/2012		_____			
/1			11/5/2012	_____	sbasford 11/5/2012		

FE Sent For:

<END>

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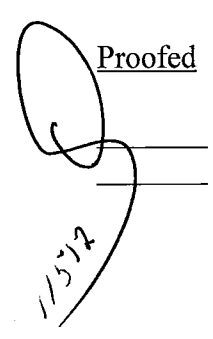
**Topic:**

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**Instructions:**

See attached--transfer Educational Approval Board from Technical College System to Department of Safety and professional Services

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1/?	gmalaise	1/ SAC 11/02/12	1/ SAC 11/02/12				

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Grant, Peter  
**Sent:** Tuesday, October 30, 2012 3:51 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Statutory Language Drafting Request - BB0217

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**From:** Hanaman, Cathlene  
**Sent:** Tuesday, October 30, 2012 3:17 PM  
**To:** Grant, Peter; Kunkel, Mark  
**Subject:** FW: Statutory Language Drafting Request - BB0217

**From:** [Breann.Boggs@wisconsin.gov](mailto:Breann.Boggs@wisconsin.gov) [<mailto:Breann.Boggs@wisconsin.gov>]  
**Sent:** Tuesday, October 30, 2012 3:16 PM  
**To:** Hanaman, Cathlene  
**Cc:** Hynek, Sara - DOA; Boggs, Breann C - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0217

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0217

**Topic:** Transfer Educational Approval Board to Department of Safety and Professional Services

**SBO Team:** EWD

**SBO Analyst:** Boggs, Breann - DOA  
**Phone:** (608) 266-2843  
**E-mail:** [Breann.Boggs@wisconsin.gov](mailto:Breann.Boggs@wisconsin.gov)

**Agency Acronym:** WTCSB

**Agency Number:** 292

**Priority:** High

**Intent:** Transfer Educational Approval Board from Technical College System to the Department of Safety and Professional Services (DPS). EAB would be administratively attached to DPS for budgeting and administrative purposes and would be able to access legal and administrative services within the agency, but would maintain its status as an independent board.

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



State of Wisconsin  
2013 - 2014 LEGISLATURE

IN 1111



LRB-0469/1  
GMM.....

SAC

DOA:.....Boggs, BB0217 - Transfer of EAB to DSPS

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools to protect the students of those schools, prevent fraud, and encourage accepted educational standards at those schools. Currently, the EAB is attached to the Technical System Board for administrative purposes. This bill attaches the EAB to DSPS for administrative purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 15.406 (6) (a) 1. of the statutes is amended to read:

3 15.406 (6) (a) 1. Six massage therapists or bodywork therapists licensed under  
4 ch. 460 who have engaged in the practice of massage therapy or bodywork therapy  
5 for at least 2 years preceding appointment. One member appointed under this

subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under s. 38.50 ~~440.55~~<sup>✓</sup>. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

History: 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9<sup>✓</sup>180; 2001 a. 70; 2009 a. 113, 149; 2009 a. 355 s. 3m; 2011 a. 32.

**SECTION 2.** 15.945 (title) of the statutes is repealed.<sup>✓</sup>

**SECTION 3.** 15.945<sup>×</sup> (1) of the statutes is renumbered 15.405 (18)<sup>✓</sup> and amended to read:

15.405 (18) EDUCATIONAL APPROVAL BOARD. There is created an educational approval board which is attached to the ~~technical college system board~~ department of safety and professional services under s. 15.03. The board shall consist of not more than 7 members, who shall be representatives of state agencies and other persons with a demonstrated interest in educational programs, appointed to serve at the pleasure of the governor.

History: 1997 a. 27; 1999 a. 9 s. 40g; Stats. 1999 s. 15<sup>✓</sup>495; 2005 a. 25 s. 56; Stats. 2005 s. 15.945.

**SECTION 4.** 20.292 (2) (title) of the statutes is renumbered 20.165<sup>✓</sup> (3) (title).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 5.** 20.292<sup>✓</sup> (2) (g) of the statutes is renumbered 20.165 (3) (g)<sup>✓</sup> and amended to read:

20.165 (3) (g) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs. Ninety percent of all moneys received from the issuance of solicitor's permits under s. 38.50 ~~440.55~~<sup>✓</sup> (8) and

- 1 from the fees under s. ~~38.50 440.55~~ (10) and all moneys received from the fees under  
2 s. ~~38.50 440.55~~ (13) (d) shall be credited to this appropriation account.

**History:** 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16 ss. 583m, 842; 2001 a. 38, 105, 109; 2003 a. 33 ss. 391 to 393m, 547d, 551e; 2003 a. 139; 2005 a. 25 ss. 215 to 222, 352g, 352m, 385m, 386f, 387m; 2007 a. 20; 2009 a. 28, 300; 2011 a. 32; s. 35.17 correction in (1) (s).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 3 **SECTION 6.** 20.292<sup>x</sup> (2) (gm)<sup>✓</sup> of the statutes is renumbered 20.165 (3) (gm)<sup>✓</sup> and  
4 amended to read:  
5 20.165 (3) (gm) *Student protection.* All moneys received from fees received  
6 under s. ~~38.50 440.55~~ (10) (c) 4., for the purpose of indemnifying students, parents,  
7 or sponsors under s. ~~38.50 440.55~~ (10) (a) and for the purpose of preserving under s.  
8 ~~38.50 440.55~~ (11) the students records of schools, as defined in s. ~~38.50 440.55~~ (11)  
9 (a) 2., that have discontinued their operations.

**History:** 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16 ss. 583m, 842; 2001 a. 38, 105, 109; 2003 a. 33 ss. 391 to 393m, 547d, 551e; 2003 a. 139; 2005 a. 25 ss. 215 to 222, 352g, 352m, 385m, 386f, 387m; 2007 a. 20; 2009 a. 28, 300; 2011 a. 32; s. 35.17 correction in (1) (s).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 10 **SECTION 7.** 20.292<sup>x</sup> (2) (i)<sup>✓</sup> of the statutes is renumbered 20.165 (3) (i)<sup>✓</sup> and  
11 amended to read:  
12 20.165 (3) (i) *Closed schools; preservation of student records.* All moneys  
13 received from fees collected under s. ~~38.50 440.55~~ (11) (d) to be used for the  
14 administrative costs of taking possession of, preserving, and providing copies of  
15 student records of schools, as defined in s. ~~38.50 440.55~~ (11) (a) 2., that have  
16 discontinued their operations.

**History:** 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16 ss. 583m, 842; 2001 a. 38, 105, 109; 2003 a. 33 ss. 391 to 393m, 547d, 551e; 2003 a. 139; 2005 a. 25 ss. 215 to 222, 352g, 352m, 385m, 386f, 387m; 2007 a. 20; 2009 a. 28, 300; 2011 a. 32; s. 35.17 correction in (1) (s).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 17 **SECTION 8.** 29.506<sup>x</sup> (7m) (a) of the statutes is amended to read:

29.506 (7m) (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds held a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates operated a taxidermy school approved by the educational approval board under s. 38.50 ~~38.51~~ 1991 stats. ✓

History: 1985 a. 29; 1991 a. 39; 1995 a. 27 s. 9154<sup>x</sup>; 1997 a. 27; 1997 a. 248 ss. 297 to 300; Stats. 1997 s. 29.506; 1999 a. 9; 2001 a. 56; 2005 a. 22, 25, 286.

**SECTION 9.** 38.50 (title) of the statutes is renumbered 440.55 (title).

**SECTION 10.** 38.50<sup>x</sup> (1) (intro.) of the statutes is renumbered 440.55 (1) (intro.). ✓

**SECTION 11.** 38.50<sup>y</sup> (1) (a) of the statutes is renumbered 440.55 (1) (a) ✓ and amended to read:

440.55 (1) (a) ~~Notwithstanding s. 38.01 (2), "board"~~ "Board" means the educational approval board.

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50; 2009 a. 300; 2011 a. 32.

**SECTION 12.** 38.50 (1) (b) of the statutes is renumbered 440.55 (1) (b). ✓

**SECTION 13.** 38.50<sup>x</sup> (1) (c) of the statutes is renumbered 440.55 (1) (c). ✓

**SECTION 14.** 38.50<sup>x</sup> (1) (d) of the statutes is renumbered 440.55 (1) (d). ✓

**SECTION 15.** 38.50<sup>x</sup> (1) (e) of the statutes is renumbered 440.55 (1) (e). ✓

**SECTION 16.** 38.50<sup>x</sup> (1) (f) of the statutes is renumbered 440.55 (1) (f). ✓

**SECTION 17.** 38.50<sup>x</sup> (1) (g) of the statutes is renumbered 440.55 (1) (g). ✓

**SECTION 18.** 38.50<sup>x</sup> (2) of the statutes is renumbered 440.55 (2). ✓

**SECTION 19.** 38.50<sup>y</sup> (3) of the statutes is renumbered 440.55 (3). ✓

**SECTION 20.** 38.50<sup>y</sup> (5) of the statutes is renumbered 440.55 (5) ✓ and amended to read:

440.55 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform the duties of an executive secretary and any other persons under the classified service that may be necessary to carry out the board's responsibilities. The person

performing the duties of the executive secretary shall be in charge of the administrative functions of the board. The board shall, to the maximum extent practicable, keep its office with the ~~technical college system board~~ department.

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 200~~0~~<sup>x</sup> s. 38.50; 2009 a. 300; 2011 a. 32.

**SECTION 21.** 38.50<sup>✓</sup> (7) of the statutes is renumbered 440.55 (7).<sup>✓</sup>

**SECTION 22.** 38.50<sup>x</sup> (8) of the statutes is renumbered 440.55 (8).<sup>✓</sup>

**SECTION 23.** 38.50<sup>✓</sup> (10) (title) of the statutes is renumbered 440.55 (10) (title).<sup>✓</sup>

**SECTION 24.** 38.50<sup>✓</sup> (10) (a) of the statutes is renumbered 440.55 (10) (a)<sup>✓</sup> and amended to read:

440.55 (10) (a) *Authority.* All proprietary schools shall be examined and approved by the board before operating in this state. Approval shall be granted to schools meeting the criteria established by the board for a period not to exceed one year. No school may advertise in this state unless approved by the board. All approved schools shall submit quarterly reports, including information on enrollment, number of teachers and their qualifications, course offerings, number of graduates, number of graduates successfully employed, and such other information as the board considers necessary. If a school closure results in losses to students, parents, or sponsors, the board may authorize the full or partial payment of those losses from the appropriation under s. ~~20.292 (2)~~ 20.165 (3) (gm).<sup>✓</sup>

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 200~~0~~<sup>x</sup> s. 38.50; 2009 a. 300; 2011 a. 32.

**SECTION 25.** 38.50<sup>✓</sup> (10) (b) of the statutes is renumbered 440.55 (10) (b).<sup>x</sup>

**SECTION 26.** 38.50<sup>✓</sup> (10) (c) of the statutes is renumbered 440.55 (10) (c).<sup>x</sup>

**SECTION 27.** 38.50<sup>✓</sup> (10) (cm) of the statutes is renumbered 440.55 (10) (cm).<sup>x</sup>

**SECTION 28.** 38.50<sup>✓</sup> (10) (d) of the statutes is renumbered 440.55 (10) (d).<sup>x</sup>

**SECTION 29.** 38.50<sup>✓</sup> (10) (e) of the statutes is renumbered 440.55 (10) (e).<sup>x</sup>

**SECTION 30.** 38.50<sup>✓</sup> (11) (title) of the statutes is renumbered 440.55 (11) (title).<sup>✓</sup>

SEC 24; 38.50 (10) (f); 440.55 (10) (f)



**SECTION 31**

**SECTION 31.** 38.50<sup>✓</sup> (11) (a) of the statutes is renumbered 440.55 (11) (a).<sup>x</sup>

**SECTION 32.** 38.50<sup>✓</sup> (11) (b) of the statutes is renumbered 440.55 (11) (b).<sup>x</sup>

**SECTION 33.** 38.50<sup>✓</sup> (11) (c) of the statutes is renumbered 440.55 (11) (c).<sup>x</sup>

**SECTION 34.** 38.50<sup>✓</sup> (11) (d) of the statutes is renumbered 440.55 (11) (d) and<sup>x</sup>  
amended to read:

440.55 (11) (d) The board or association shall preserve a student record that comes into the possession of the board or association under par. (b) 1. or 2. and shall keep the student record confidential as provided under 20 USC 1232g and 34 CFR part 99. A student record in the possession of the board is not open to public inspection or copying under s. 19.35 (1). Upon request of the person who is the subject of a student record or an authorized representative of that person, the board or association shall provide a copy of the student record to the requester. The board or association may charge a fee for providing a copy of a student record. The fee shall be based on the administrative cost of taking possession of, preserving, and providing the copy of the student record. All fees collected by the board under this paragraph shall be credited to the appropriation account under s. ~~20.292(2)~~ 20.165(3)<sup>✓</sup> (i).

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50; 2009 a. 300; 2011 a. 32.

**SECTION 35.** 38.50 (12) of the statutes is renumbered 440.55 (12).<sup>x</sup>

**SECTION 36.** 38.50<sup>✓</sup> (13) (title) of the statutes is renumbered 440.55 (13) (title).<sup>x</sup>

**SECTION 37.** 38.50<sup>✓</sup> (13) (a) of the statutes is renumbered 440.55 (13) (a).<sup>x</sup>

**SECTION 38.** 38.50<sup>✓</sup> (13) (b) of the statutes is renumbered 440.55 (13) (b).<sup>x</sup>

**SECTION 39.** 38.50<sup>✓</sup> (13) (c) of the statutes is renumbered 440.55 (13) (c).<sup>x</sup>

**SECTION 40.** 38.50<sup>✓</sup> (13) (d) of the statutes is renumbered 440.55 (13) (d) and<sup>x</sup>  
amended to read:

1           440.55 (13) (d) The board may charge a fee for evaluating an educational  
2           institution under par. (a) 2. e. in an amount that is sufficient to cover all costs that  
3           the board incurs in evaluating the institution. All fees collected by the board under  
4           this paragraph shall be credited to the appropriation account under s. 20.292 (2)  
5           20.165 (3) (g).

History: 2005 a. 22 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50; 2009 a. 300; 2011 a. 32.

6           **SECTION 41.** 45.20 (1) (d) of the statutes is amended to read:

7           45.20 (1) (d) "Tuition," when referring to the University of Wisconsin System,  
8           means academic fees and segregated fees; when referring to the technical colleges,  
9           means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and  
10          when referring to a high school, a school that is approved under s. 45.03 (11), or a  
11          proprietary school that is approved under s. 38.50 440.55, means the charge for the  
12          courses for which a person is enrolled.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

13          **SECTION 42.** 45.20 (2) (a) 1. of the statutes is amended to read:

14          45.20 (2) (a) 1. The department shall administer a tuition reimbursement  
15          program for eligible veterans enrolling as undergraduates in any institution of  
16          higher education in this state, enrolling in a school that is approved under s. 45.03  
17          (11), enrolling in a proprietary school that is approved under s. 38.50 440.55,  
18          enrolling in a public or private high school, enrolling in a tribal school, as defined in  
19          s. 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident  
20          tuition under s. 39.47.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

21          **SECTION 43.** 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

22          45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise  
23          qualified to receive benefits under this subsection may receive the benefits under  
24          this subsection upon the completion of any correspondence courses or part-time

1 classroom study from an institution of higher education located outside this state,  
2 from a school that is approved under s. 45.03 (11), or from a proprietary school that  
3 is approved under s. ~~38.50~~ 440.55, if any of the following applies:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, ~~297~~, 302; 2011 a. 32, 260.

4 **SECTION 44.** 45.20 (2) (c) 1. of the statutes is amended to read:

5 45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)  
6 1. may be reimbursed upon satisfactory completion of an undergraduate semester in  
7 any institution of higher education in this state, or upon satisfactory completion of  
8 a course at any school that is approved under s. 45.03 (11), any proprietary school  
9 that is approved under s. ~~38.50~~ 440.55, any public or private high school, any tribal  
10 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any  
11 institution from which the veteran receives a waiver of nonresident tuition under s.  
12 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed  
13 the total cost of the veteran's tuition minus any grants or scholarships that the  
14 veteran receives specifically for the payment of the tuition, or, if the tuition is for an  
15 undergraduate semester in any institution of higher education, the standard cost of  
16 tuition for a state resident for an equivalent undergraduate semester at the  
17 University of Wisconsin-Madison, whichever is less.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, ~~297~~, 302; 2011 a. 32, 260.

18 **SECTION 45.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

19 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for  
20 reimbursement under this subsection at any institution of higher education in this  
21 state, at a school that is approved under s. 45.03 (11), at a proprietary school that is  
22 approved under s. ~~38.50~~ 440.55, at a public or private high school, at a tribal school,  
23 as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an

1 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47  
2 is limited to the following:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

3 **SECTION 46.** 45.21 (2) (a) of the statutes is amended to read:

4 45.21 (2) (a) The veteran is enrolled in a training course in a technical college  
5 under ch. 38 or in a proprietary school in the state approved by the educational  
6 approval board under s. 38.50 440.55, other than a proprietary school offering a  
7 4-year degree or 4-year program, or is engaged in a structured on-the-job training  
8 program that meets program requirements promulgated by the department by rule.

History: 2005 a. 22, 25.

9 **SECTION 47.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

10 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and  
11 mandatory student fees for a student who is the claimant or who is the claimant's  
12 child and the claimant's dependent who is claimed under section 151 (c) of the  
13 Internal Revenue Code, to attend any university, college, technical college or a school  
14 approved under s. 38.50 440.55, that is located in Wisconsin or to attend a public  
15 vocational school or public institution of higher education in Minnesota under the  
16 Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47 to 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 204, 263, 437; 1995 a. 27, 56, 209, 227, 261, 371, 403, 453; 1997 a. 27, 35, 39, 237; 1999 a. 9, 32, 44, 54, 65, 167; 2001 a. 16, 104, 105, 109; 2003 a. 85, 99, 119, 135, 183, 255, 289, 321, 326; 2005 a. 22, 25, 216, 254, 335, 361, 479, 483; 2007 a. 20, 96, 226; 2009 a. 2, 28, 205, 265, 269, 276, 295, 332, 344; 2011 a. 3, 5, 10, 32, 212, 232, 237; 2011 a. 260 ss. 80, 81; s. 13.92 (1) (bm) 2., (2) (i).

17 **SECTION 48.** 71.07 (5r) (a) 2. of the statutes is amended to read:

18 71.07 (5r) (a) 2. "Course of instruction" has the meaning given in s. 38.50 440.55

19 (1) (c).

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; s. 35.17 correction in (2dr) (a), (5n) (a) (intro.).

20 **SECTION 49.** 71.07 (5r) (a) 6. b. of the statutes is amended to read:

1           71.07 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
2           education occurs in this state.

**History:** 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; ~~35.17~~ correction in (2dr) (a), (5n) (a) (intro.).

3           **SECTION 50.** 71.28 (5r) (a) 2. of the statutes is amended to read:

4           71.28 (5r) (a) 2. “Course of instruction” has the meaning given in s. ~~38.50~~ 440.55  
5           (1) (c).

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; s. 35.17 correction in (1dm) (a) 1.

6           **SECTION 51.** 71.28 (5r) (a) 6. b. of the statutes is amended to read:

7           71.28 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
8           education occurs in this state.

**History:** 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; s. 35.17 correction in (1dm) (a) 1.

9           **SECTION 52.** 71.47 (5r) (a) 2. of the statutes is amended to read:

10           71.47 (5r) (a) 2. “Course of instruction” has the meaning given in s. ~~38.50~~ 440.55  
11           (1) (c).

**History:** 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 ss. 80, 81.

12           **SECTION 53.** 71.47 (5r) (a) 6. b. of the statutes is amended to read:

13           71.47 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
14           education occurs in this state.

**History:** 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 ss. 80, 81.

15           **SECTION 54.** 111.335 (1) (cx) of the statutes is amended to read:

16           111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment  
17           discrimination because of conviction record to refuse to employ or license, or to bar  
18           or terminate from employment or licensure, any individual who has been convicted  
19           of any offense under s. ~~38.50~~ 440.55 (13) (c).

**History:** 1981 c. 334; 1991 a. 216; 1993 a. 98; 1995 a. 448, 461; 1997 a. 112; 2001 a. 16; 2003 a. 33; 2005 a. 14; 2009 a. 300; 2011 a. 32, 83.

**SECTION 55.** 157.055 (2) (intro.) of the statutes is amended to read:

157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4), 979.02, and 979.10, and subch. ~~VII~~ VIII✓ of ch. 440, during a period of a state of emergency related to public health declared by the governor under s. 323.10, a public health authority may do all of the following:

**History:** 2001 a. 109; 2005 a. 31; 2009 a. 42, 282.

**SECTION 56.** 182.028 of the statutes is amended to read:

**182.028 School corporations.** Any corporation formed for the establishment and maintenance of schools, academies, seminaries, colleges or universities or for the cultivation and practice of music shall have power to enact bylaws for the protection of its property, and provide fines as liquidated damages upon its members and patrons for violating the bylaws, and may collect the same in tort actions, and to prescribe and regulate the courses of instruction therein, and to confer such degrees and grant such diplomas as are usually conferred by similar institutions or as shall be appropriate to the courses of instruction prescribed, except that no corporation shall operate or advertise a school that is subject to s. 38.50 440.55✓ (10) without complying with the requirements of s. 38.50 440.55✓. Any stockholder may transfer his or her stock to the corporation for its use; and if the written transfer so provides the stock shall be perpetually held by the board of directors with all the rights of a stockholder, including the right to vote.

**History:** 1979 c. 170; 1997 a. 27; 1999 a. 9; 2005 a. 22, 25, 254.

**SECTION 57.** Subchapter VI (title) of chapter 440 [precedes 440.55] of the statutes is created to read:

## CHAPTER 440

## SUBCHAPTER VI

## EDUCATIONAL APPROVAL BOARD

1           **SECTION 58.** Subchapter VI of chapter 440 [precedes 440.60] of the statutes is  
2           renumbered Subchapter VII of chapter 440.

3           **SECTION 59.** Subchapter VII of chapter 440 [precedes 440.70] of the statutes  
4           is renumbered Subchapter VIII of chapter 440.

5           **SECTION 60.** Subchapter VIII of chapter 440 [precedes 440.88] of the statutes  
6           is renumbered Subchapter IX of chapter 440.

7           **SECTION 61.** Subchapter IX of chapter 440 [precedes 440.90] of the statutes is  
8           renumbered Subchapter X of chapter 440.

9           **SECTION 62.** Subchapter X of chapter 440 [precedes 440.96] of the statutes is  
10          renumbered Subchapter XI of chapter 440.

11          **SECTION 63.** Subchapter XI of chapter 440 [precedes 440.97] of the statutes is  
12          renumbered Subchapter XII of chapter 440.

13          **SECTION 64.** Subchapter XII of chapter 440 [precedes 440.98] of the statutes  
14          is renumbered Subchapter XIII of chapter 440.

15          **SECTION 65.** Subchapter XIII of chapter 440 [precedes 440.9805] of the statutes  
16          is renumbered Subchapter XIV of chapter 440.

17          **SECTION 66.** Subchapter XIV of chapter 440 [precedes 440.99] of the statutes  
18          is renumbered Subchapter XV of chapter 440.

19          **SECTION 67.** 441.15 (2m) of the statutes is amended to read:

20           441.15 (2m) Subsection (2) does not apply to a person granted a license to  
21           practice midwifery under subch. ~~XIII~~ XIV of ch. 440.

22          History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107; 2003 a. 321; 2005 a. 96, 292; 2007 a. 20, 97; 2009 a. 28, 42, 282.

23          **SECTION 68.** 448.03 (2) (a) of the statutes is amended to read:

24           448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
            permit, registration, certificate or certification granted to practice midwifery under

1 subch. ~~XIII~~ <sup>✓</sup>XIV of ch. 440, to practice professional or practical nursing or  
2 nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice  
3 dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to  
4 practice acupuncture under ch. 451 or under any other statutory provision, or as  
5 otherwise provided by statute.

**History:** 1975 c. 383, 421; 1977 c. 164; 1979 c. 317; 1985 a. 29; 1987 a. 40, 399; 1989 a. 31, 229; 1991 a. 23; 1993 a. 105, 107, 490; 1995 a. 27, 201; 1997 a. 67, 175, 311; 1999 a. 32, 180; 2001 a. 89; 2005 a. 96, 292; 2007 a. 97; 2009 ~~a. 42, 282~~; 2011 a. 160, 161.

6 **SECTION 69.** 460.05 (1) (e) 1. of the statutes is amended to read:

7 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork  
8 therapy approved by the educational approval board under s. ~~38.50~~ <sup>✓</sup>440.55 that  
9 meets the requirements under s. 460.095 or completed a training program approved  
10 by the affiliated credentialing board under the rules promulgated under s. 460.04 (2)  
11 (b).

**History:** 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. ~~109~~; 2009 a. 355 ss. 21, 28 to 34.

12 **SECTION 70.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

13 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational  
14 approval board under s. ~~38.50~~ <sup>✓</sup>440.55, or is a school described in s. ~~38.50~~ <sup>✓</sup>440.55 (1)  
15 (e) 6., 7. or 8.; and

**History:** 1977 c. 173, 272; 1987 a. 416; 1993 a. 399; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 104, 109; 2005 a. 22, 25, 254; 2009 a. 302.

16 **SECTION 71.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

17 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational  
18 approval board under s. ~~38.50~~ <sup>✓</sup>440.55, or is a school described in s. ~~38.50~~ <sup>✓</sup>440.55 (1)  
19 (e) 6., 7. or 8.; and

**History:** 1987 a. 332; 1989 a. 31; 1993 a. ~~229~~; 1995 a. 27 s. 9154 (1); 1997 a. 27, 82; 1999 a. 9; 2001 a. 16, 104, 109; 2005 a. 22, 25, 254; 2009 a. 302.

20 **SECTION 9143. Nonstatutory provisions; Technical College System.**

21 (1) TRANSFER OF EDUCATIONAL APPROVAL BOARD TO DEPARTMENT OF SAFETY AND  
22 PROFESSIONAL SERVICES.



1           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the technical college system board primarily related to the functions of  
3 the educational approval board, as determined by the secretary of administration,  
4 become the assets and liabilities of the department of safety and professional  
5 services.

6           (b) *Employee transfers.* All incumbent employees holding positions in the  
7 technical college system board performing duties primarily related to the functions  
8 of the educational approval board, as determined by the secretary of administration,  
9 are transferred on the effective date of this paragraph to the department of safety  
10 and professional services.

11           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
13 statutes in the department of safety and professional services that they enjoyed in  
14 the technical college system board immediately before the transfer.  
15 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
16 has attained permanent status in class is required to serve a probationary period.

17           (d) *Tangible personal property.* On the effective date of this paragraph, all  
18 tangible personal property, including records, of the technical college system board  
19 that is primarily related to the functions of the educational approval board, as  
20 determined by the secretary of administration, is transferred to the department of  
21 safety and professional services.

22           (e) *Contracts.* All contracts entered into by the technical college system in effect  
23 on the effective date of this paragraph that are primarily related to the functions of  
24 the educational approval board, as determined by the secretary of administration,  
25 remain in effect and are transferred to the department of safety and professional

1 services. The department of safety and professional services shall carry out any  
2 obligations under such a contract until the contract is modified or rescinded by the  
3 department of safety and professional services to the extent allowed under the  
4 contract.

5 (END)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0469/1  
GMM:sac:rs

DOA:.....Boggs, BB0217 - Transfer of EAB to DSPS

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Educational Approval Board (EAB) inspects and approves private trade, correspondence, business, and technical schools to protect the students of those schools, prevent fraud, and encourage accepted educational standards at those schools. Currently, the EAB is attached to the Technical College System Board for administrative purposes. This bill attaches the EAB to DSPS for administrative purposes.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 **SECTION 1.** 15.406 (6) (a) 1. of the statutes is amended to read:  
3 15.406 (6) (a) 1. Six massage therapists or bodywork therapists licensed under  
4 ch. 460 who have engaged in the practice of massage therapy or bodywork therapy  
5 for at least 2 years preceding appointment. One member appointed under this

subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under s. ~~38.50~~ 440.55. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

**SECTION 2.** 15.945 (title) of the statutes is repealed.

**SECTION 3.** 15.945 (1) of the statutes is renumbered 15.405 (18) and amended to read:

**15.405 (18) EDUCATIONAL APPROVAL BOARD.** There is created an educational approval board which is attached to the ~~technical college system board~~ department of safety and professional services under s. 15.03. The board shall consist of not more than 7 members, who shall be representatives of state agencies and other persons with a demonstrated interest in educational programs, appointed to serve at the pleasure of the governor.

**SECTION 4.** 20.292 (2) (title) of the statutes is renumbered 20.165 (3) (title).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 5.** 20.292 (2) (g) of the statutes is renumbered 20.165 (3) (g) and amended to read:

**20.165 (3) (g) *Proprietary school programs.*** The amounts in the schedule for the examination and approval of proprietary school programs. Ninety percent of all moneys received from the issuance of solicitor's permits under s. ~~38.50~~ 440.55 (8) and from the fees under s. ~~38.50~~ 440.55 (10) and all moneys received from the fees under s. ~~38.50~~ 440.55 (13) (d) shall be credited to this appropriation account.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 6.** 20.292 (2) (gm) of the statutes is renumbered 20.165 (3) (gm) and  
2 amended to read:

3       20.165 (3) (gm) *Student protection.* All moneys received from fees received  
4 under s. ~~38.50~~ 440.55 (10) (c) 4., for the purpose of indemnifying students, parents,  
5 or sponsors under s. ~~38.50~~ 440.55 (10) (a) and for the purpose of preserving under s.  
6 ~~38.50~~ 440.55 (11) the students records of schools, as defined in s. ~~38.50~~ 440.55 (11)  
7 (a) 2., that have discontinued their operations.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8       **SECTION 7.** 20.292 (2) (i) of the statutes is renumbered 20.165 (3) (i) and  
9 amended to read:

10       20.165 (3) (i) *Closed schools; preservation of student records.* All moneys  
11 received from fees collected under s. ~~38.50~~ 440.55 (11) (d) to be used for the  
12 administrative costs of taking possession of, preserving, and providing copies of  
13 student records of schools, as defined in s. ~~38.50~~ 440.55 (11) (a) 2., that have  
14 discontinued their operations.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15       **SECTION 8.** 29.506 (7m) (a) of the statutes is amended to read:

16       29.506 (7m) (a) The department shall issue a taxidermy school permit to a  
17 person who applies for the permit; who, on August 15, 1991, ~~holds~~ held a valid  
18 taxidermist permit issued under this section; and who, on August 15, 1991, ~~operates~~  
19 operated a taxidermy school approved by the educational approval board under s.  
20 ~~38.50~~ 38.51, 1991 stats.

21       **SECTION 9.** 38.50 (title) of the statutes is renumbered 440.55 (title).

**SECTION 10.** 38.50 (1) (intro.) of the statutes is renumbered 440.55 (1) (intro.).

**SECTION 11.** 38.50 (1) (a) of the statutes is renumbered 440.55 (1) (a) and amended to read:

440.55 (1) (a) ~~Notwithstanding s. 38.01 (2), “board”~~ **“Board”** means the educational approval board.

**SECTION 12.** 38.50 (1) (b) of the statutes is renumbered 440.55 (1) (b).

**SECTION 13.** 38.50 (1) (c) of the statutes is renumbered 440.55 (1) (c).

**SECTION 14.** 38.50 (1) (d) of the statutes is renumbered 440.55 (1) (d).

**SECTION 15.** 38.50 (1) (e) of the statutes is renumbered 440.55 (1) (e).

**SECTION 16.** 38.50 (1) (f) of the statutes is renumbered 440.55 (1) (f).

**SECTION 17.** 38.50 (1) (g) of the statutes is renumbered 440.55 (1) (g).

**SECTION 18.** 38.50 (2) of the statutes is renumbered 440.55 (2).

**SECTION 19.** 38.50 (3) of the statutes is renumbered 440.55 (3).

**SECTION 20.** 38.50 (5) of the statutes is renumbered 440.55 (5) and amended to read:

440.55 (5) **EMPLOYEES, QUARTERS.** The board shall employ a person to perform the duties of an executive secretary and any other persons under the classified service that may be necessary to carry out the board’s responsibilities. The person performing the duties of the executive secretary shall be in charge of the administrative functions of the board. The board shall, to the maximum extent practicable, keep its office with the ~~technical college system board~~ department.

**SECTION 21.** 38.50 (7) of the statutes is renumbered 440.55 (7).

**SECTION 22.** 38.50 (8) of the statutes is renumbered 440.55 (8).

**SECTION 23.** 38.50 (10) (title) of the statutes is renumbered 440.55 (10) (title).

1       **SECTION 24.** 38.50 (10) (a) of the statutes is renumbered 440.55 (10) (a) and  
2       amended to read:

3       440.55 (10) (a) *Authority.* All proprietary schools shall be examined and  
4       approved by the board before operating in this state. Approval shall be granted to  
5       schools meeting the criteria established by the board for a period not to exceed one  
6       year. No school may advertise in this state unless approved by the board. All  
7       approved schools shall submit quarterly reports, including information on  
8       enrollment, number of teachers and their qualifications, course offerings, number of  
9       graduates, number of graduates successfully employed, and such other information  
10      as the board considers necessary. If a school closure results in losses to students,  
11      parents, or sponsors, the board may authorize the full or partial payment of those  
12      losses from the appropriation under s. ~~20.292 (2)~~ 20.165 (3) (gm).

13      **SECTION 25.** 38.50 (10) (b) of the statutes is renumbered 440.55 (10) (b).

14      **SECTION 26.** 38.50 (10) (c) of the statutes is renumbered 440.55 (10) (c).

15      **SECTION 27.** 38.50 (10) (cm) of the statutes is renumbered 440.55 (10) (cm).

16      **SECTION 28.** 38.50 (10) (d) of the statutes is renumbered 440.55 (10) (d).

17      **SECTION 29.** 38.50 (10) (e) of the statutes is renumbered 440.55 (10) (e).

18      **SECTION 30.** 38.50 (10) (f) of the statutes is renumbered 440.55 (10) (f).

19      **SECTION 31.** 38.50 (11) (title) of the statutes is renumbered 440.55 (11) (title).

20      **SECTION 32.** 38.50 (11) (a) of the statutes is renumbered 440.55 (11) (a).

21      **SECTION 33.** 38.50 (11) (b) of the statutes is renumbered 440.55 (11) (b).

22      **SECTION 34.** 38.50 (11) (c) of the statutes is renumbered 440.55 (11) (c).

23      **SECTION 35.** 38.50 (11) (d) of the statutes is renumbered 440.55 (11) (d) and  
24      amended to read:

1           440.55 (11) (d) The board or association shall preserve a student record that  
2 comes into the possession of the board or association under par. (b) 1. or 2. and shall  
3 keep the student record confidential as provided under 20 USC 1232g and 34 CFR  
4 part 99. A student record in the possession of the board is not open to public  
5 inspection or copying under s. 19.35 (1). Upon request of the person who is the subject  
6 of a student record or an authorized representative of that person, the board or  
7 association shall provide a copy of the student record to the requester. The board or  
8 association may charge a fee for providing a copy of a student record. The fee shall  
9 be based on the administrative cost of taking possession of, preserving, and providing  
10 the copy of the student record. All fees collected by the board under this paragraph  
11 shall be credited to the appropriation account under s. ~~20.292 (2)~~ 20.165 (3) (i).

12           **SECTION 36.** 38.50 (12) of the statutes is renumbered 440.55 (12).

13           **SECTION 37.** 38.50 (13) (title) of the statutes is renumbered 440.55 (13) (title).

14           **SECTION 38.** 38.50 (13) (a) of the statutes is renumbered 440.55 (13) (a).

15           **SECTION 39.** 38.50 (13) (b) of the statutes is renumbered 440.55 (13) (b).

16           **SECTION 40.** 38.50 (13) (c) of the statutes is renumbered 440.55 (13) (c).

17           **SECTION 41.** 38.50 (13) (d) of the statutes is renumbered 440.55 (13) (d) and  
18 amended to read:

19           440.55 (13) (d) The board may charge a fee for evaluating an educational  
20 institution under par. (a) 2. e. in an amount that is sufficient to cover all costs that  
21 the board incurs in evaluating the institution. All fees collected by the board under  
22 this paragraph shall be credited to the appropriation account under s. ~~20.292 (2)~~  
23 20.165 (3) (g).

24           **SECTION 42.** 45.20 (1) (d) of the statutes is amended to read:



1           45.20 (1) (d) "Tuition," when referring to the University of Wisconsin System,  
2           means academic fees and segregated fees; when referring to the technical colleges,  
3           means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and  
4           when referring to a high school, a school that is approved under s. 45.03 (11), or a  
5           proprietary school that is approved under s. ~~38.50~~ 440.55, means the charge for the  
6           courses for which a person is enrolled.

7           **SECTION 43.** 45.20 (2) (a) 1. of the statutes is amended to read:

8           45.20 (2) (a) 1. The department shall administer a tuition reimbursement  
9           program for eligible veterans enrolling as undergraduates in any institution of  
10          higher education in this state, enrolling in a school that is approved under s. 45.03  
11          (11), enrolling in a proprietary school that is approved under s. ~~38.50~~ 440.55,  
12          enrolling in a public or private high school, enrolling in a tribal school, as defined in  
13          s. 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident  
14          tuition under s. 39.47.

15          **SECTION 44.** 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

16          45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise  
17          qualified to receive benefits under this subsection may receive the benefits under  
18          this subsection upon the completion of any correspondence courses or part-time  
19          classroom study from an institution of higher education located outside this state,  
20          from a school that is approved under s. 45.03 (11), or from a proprietary school that  
21          is approved under s. ~~38.50~~ 440.55, if any of the following applies:

22          **SECTION 45.** 45.20 (2) (c) 1. of the statutes is amended to read:

23          45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)  
24          1. may be reimbursed upon satisfactory completion of an undergraduate semester in  
25          any institution of higher education in this state, or upon satisfactory completion of

1 a course at any school that is approved under s. 45.03 (11), any proprietary school  
2 that is approved under s. ~~38.50~~ 440.55, any public or private high school, any tribal  
3 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any  
4 institution from which the veteran receives a waiver of nonresident tuition under s.  
5 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed  
6 the total cost of the veteran's tuition minus any grants or scholarships that the  
7 veteran receives specifically for the payment of the tuition, or, if the tuition is for an  
8 undergraduate semester in any institution of higher education, the standard cost of  
9 tuition for a state resident for an equivalent undergraduate semester at the  
10 University of Wisconsin–Madison, whichever is less.

11 **SECTION 46.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

12 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for  
13 reimbursement under this subsection at any institution of higher education in this  
14 state, at a school that is approved under s. 45.03 (11), at a proprietary school that is  
15 approved under s. ~~38.50~~ 440.55, at a public or private high school, at a tribal school,  
16 as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an  
17 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47  
18 is limited to the following:

19 **SECTION 47.** 45.21 (2) (a) of the statutes is amended to read:

20 45.21 (2) (a) The veteran is enrolled in a training course in a technical college  
21 under ch. 38 or in a proprietary school in the state approved by the educational  
22 approval board under s. ~~38.50~~ 440.55, other than a proprietary school offering a  
23 4-year degree or 4-year program, or is engaged in a structured on-the-job training  
24 program that meets program requirements promulgated by the department by rule.

25 **SECTION 48.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

1           71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and  
2           mandatory student fees for a student who is the claimant or who is the claimant's  
3           child and the claimant's dependent who is claimed under section 151 (c) of the  
4           Internal Revenue Code, to attend any university, college, technical college or a school  
5           approved under s. ~~38.50~~ 440.55, that is located in Wisconsin or to attend a public  
6           vocational school or public institution of higher education in Minnesota under the  
7           Minnesota–Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

8           **SECTION 49.** 71.07 (5r) (a) 2. of the statutes is amended to read:

9           71.07 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55  
10          (1) (c).

11          **SECTION 50.** 71.07 (5r) (a) 6. b. of the statutes is amended to read:

12          71.07 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
13          education occurs in this state.

14          **SECTION 51.** 71.28 (5r) (a) 2. of the statutes is amended to read:

15          71.28 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55  
16          (1) (c).

17          **SECTION 52.** 71.28 (5r) (a) 6. b. of the statutes is amended to read:

18          71.28 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
19          education occurs in this state.

20          **SECTION 53.** 71.47 (5r) (a) 2. of the statutes is amended to read:

21          71.47 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50~~ 440.55  
22          (1) (c).

23          **SECTION 54.** 71.47 (5r) (a) 6. b. of the statutes is amended to read:

24          71.47 (5r) (a) 6. b. A school approved under s. ~~38.50~~ 440.55, if the delivery of  
25          education occurs in this state.

1           **SECTION 55.** 111.335 (1) (cx) of the statutes is amended to read:

2           111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment  
3           discrimination because of conviction record to refuse to employ or license, or to bar  
4           or terminate from employment or licensure, any individual who has been convicted  
5           of any offense under s. ~~38.50~~ 440.55 (13) (c).

6           **SECTION 56.** 157.055 (2) (intro.) of the statutes is amended to read:

7           157.055 (2) (intro.) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3),  
8           (3m), and (4), 979.02, and 979.10, and subch. ~~VII~~ VIII of ch. 440, during a period of  
9           a state of emergency related to public health declared by the governor under s.  
10          323.10, a public health authority may do all of the following:

11          **SECTION 57.** 182.028 of the statutes is amended to read:

12          **182.028 School corporations.** Any corporation formed for the establishment  
13          and maintenance of schools, academies, seminaries, colleges or universities or for the  
14          cultivation and practice of music shall have power to enact bylaws for the protection  
15          of its property, and provide fines as liquidated damages upon its members and  
16          patrons for violating the bylaws, and may collect the same in tort actions, and to  
17          prescribe and regulate the courses of instruction therein, and to confer such degrees  
18          and grant such diplomas as are usually conferred by similar institutions or as shall  
19          be appropriate to the courses of instruction prescribed, except that no corporation  
20          shall operate or advertise a school that is subject to s. ~~38.50~~ 440.55 (10) without  
21          complying with the requirements of s. ~~38.50~~ 440.55. Any stockholder may transfer  
22          his or her stock to the corporation for its use; and if the written transfer so provides  
23          the stock shall be perpetually held by the board of directors with all the rights of a  
24          stockholder, including the right to vote.

**SECTION 58.** Subchapter VI (title) of chapter 440 [precedes 440.55] of the statutes is created to read:

## CHAPTER 440

## SUBCHAPTER VI

## EDUCATIONAL APPROVAL BOARD

**SECTION 59.** Subchapter VI of chapter 440 [precedes 440.60] of the statutes is renumbered Subchapter VII of chapter 440.

**SECTION 60.** Subchapter VII of chapter 440 [precedes 440.70] of the statutes is renumbered Subchapter VIII of chapter 440.

**SECTION 61.** Subchapter VIII of chapter 440 [precedes 440.88] of the statutes is renumbered Subchapter IX of chapter 440.

**SECTION 62.** Subchapter IX of chapter 440 [precedes 440.90] of the statutes is renumbered Subchapter X of chapter 440.

**SECTION 63.** Subchapter X of chapter 440 [precedes 440.96] of the statutes is renumbered Subchapter XI of chapter 440.

**SECTION 64.** Subchapter XI of chapter 440 [precedes 440.97] of the statutes is renumbered Subchapter XII of chapter 440.

**SECTION 65.** Subchapter XII of chapter 440 [precedes 440.98] of the statutes is renumbered Subchapter XIII of chapter 440.

**SECTION 66.** Subchapter XIII of chapter 440 [precedes 440.9805] of the statutes is renumbered Subchapter XIV of chapter 440.

**SECTION 67.** Subchapter XIV of chapter 440 [precedes 440.99] of the statutes is renumbered Subchapter XV of chapter 440.

**SECTION 68.** 441.15 (2m) of the statutes is amended to read:

1           441.15 (2m) Subsection (2) does not apply to a person granted a license to  
2           practice midwifery under subch. ~~XIII~~ XIV of ch. 440.

3           **SECTION 69.** 448.03 (2) (a) of the statutes is amended to read:

4           448.03 (2) (a) Any person lawfully practicing within the scope of a license,  
5           permit, registration, certificate or certification granted to practice midwifery under  
6           subch. ~~XIII~~ XIV of ch. 440, to practice professional or practical nursing or  
7           nurse-midwifery under ch. 441, to practice chiropractic under ch. 446, to practice  
8           dentistry or dental hygiene under ch. 447, to practice optometry under ch. 449, to  
9           practice acupuncture under ch. 451 or under any other statutory provision, or as  
10          otherwise provided by statute.

11          **SECTION 70.** 460.05 (1) (e) 1. of the statutes is amended to read:

12          460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork  
13          therapy approved by the educational approval board under s. ~~38.50~~ 440.55 that  
14          meets the requirements under s. 460.095 or completed a training program approved  
15          by the affiliated credentialing board under the rules promulgated under s. 460.04 (2)  
16          (b).

17          **SECTION 71.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

18          944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational  
19          approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)  
20          (e) 6., 7. or 8.; and

21          **SECTION 72.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

22          948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational  
23          approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)  
24          (e) 6., 7. or 8.; and

25          **SECTION 9143. Nonstatutory provisions; Technical College System.**

1           (1) TRANSFER OF EDUCATIONAL APPROVAL BOARD TO DEPARTMENT OF SAFETY AND  
2           PROFESSIONAL SERVICES.

3           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
4           liabilities of the technical college system board primarily related to the functions of  
5           the educational approval board, as determined by the secretary of administration,  
6           become the assets and liabilities of the department of safety and professional  
7           services.

8           (b) *Employee transfers.* All incumbent employees holding positions in the  
9           technical college system board performing duties primarily related to the functions  
10          of the educational approval board, as determined by the secretary of administration,  
11          are transferred on the effective date of this paragraph to the department of safety  
12          and professional services.

13          (c) *Employee status.* Employees transferred under paragraph (b) have all the  
14          rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
15          statutes in the department of safety and professional services that they enjoyed in  
16          the technical college system board immediately before the transfer.  
17          Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
18          has attained permanent status in class is required to serve a probationary period.

19          (d) *Tangible personal property.* On the effective date of this paragraph, all  
20          tangible personal property, including records, of the technical college system board  
21          that is primarily related to the functions of the educational approval board, as  
22          determined by the secretary of administration, is transferred to the department of  
23          safety and professional services.

24          (e) *Contracts.* All contracts entered into by the technical college system in effect  
25          on the effective date of this paragraph that are primarily related to the functions of

1 the educational approval board, as determined by the secretary of administration,  
2 remain in effect and are transferred to the department of safety and professional  
3 services. The department of safety and professional services shall carry out any  
4 obligations under such a contract until the contract is modified or rescinded by the  
5 department of safety and professional services to the extent allowed under the  
6 contract.

7 (END)